

MINUTES

MANSFIELD INLAND WETLANDS AGENCY
Regular Meeting, Monday, February 4, 2008
Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, R. Hall, K. Holt, P. Kochenburger,
P. Plante, B. Ryan, G. Zimmer
Members absent: B. Gardner
Alternates present: M. Beal, B. Pociask
Alternates absent: L. Lombard
Staff present: G. Meitzler (Wetlands Agent)

Chairman Favretti called the meeting to order at 7:01 p.m. and appointed Alternate Pociask to act in Gardner's absence.

Minutes:

1/7/08- Hall MOVED, Holt seconded, to approve the minutes as written.

MOTION PASSED with all in favor except Ryan who disqualified herself.

1/22/08- Holt MOVED, Hall seconded, to approve the minutes as written.

MOTION PASSED UNANIMOUSLY.

Old Business:

Continued Public Hearing:

W1383 - Bobb - Separatist & N Eagleville R - 7 lot subdivision

Hall disqualified himself and Alternate Beal was appointed to act in his stead.

Members identified at the 1-22-08 meeting as having been absent during any part of the Public Hearing process for this application have all noted for the record that they have since listened to the tapes.

Holt MOVED, Beal seconded, to deny an Inland Wetlands License under Section 5 of the Wetlands and Watercourses Regulations of the Town of Mansfield to **RAAR LLC** (file no. W1383), for development of a seven lot subdivision with appurtenant improvements, on property owned by **RAAR LLC**, located on the west side of Separatist Road and the south side of North Eagleville Road, as shown on a plan dated July 30, 2007, and revised August 27, 2007, October 16, 2007, and December 13, 2007, and as described in other application submissions. This action is based on the application submissions and information presented in public hearing sessions held on October 1, 2007, November 5, 2007, November 19, 2007, December 3, 2007, December 17, 2007, and January 7, 2008, also by observations made on a field trip to the site on August 15, 2007, and in consideration of applicable regulations.

The Wetlands Agency carefully considered testimony on the impact of this proposal given by all parties, including:

- A. The applicant's representatives - Michael Dilaj, Datum Engineering, and John Ianni, Soil Scientist. Engineering Drainage Calculations were provided by Paul Magyar, Lenard Engineering.
- B. Patricia Young, Natural Resources Specialist, and Scott Gravatt, District Director, with the Eastern Connecticut Conservation District, both commenting at the request of the Wetlands Agency. (See 11/29/2007 and 1/02/2008 review comments).
- C. The Town's Conservation Commission. (See CC minutes 8/15/2007, pp 2 and 5; CC minutes 9/19/2007, pp 1 and 2; and CC written testimony dated 12/20/2007).
- D. The Town's Open Space Preservation Committee (See 9/18/2007 and 12/18/2007 letters).
- E. Mary Ann Nusom Haverstock, Conn. Dept. of Environmental Protection, submitted comments indicating the status of Eagleville Brook as impaired under the federal clean water act. (See letter dated 12/18/2007).
- F. Residents Alison Hilding and Eugene Salorio, both through themselves and through professional representation by Attorney Howard Schiller, and Professional Engineer and Land Surveyor, Donald R. Aubrey. (See Atty. Schiller letter dated 11/08/2007, and Donald R. Aubrey letters dated 11/05/2007 and 1/06/2008).
- G. Numerous letters from Town residents.
- H. Wetlands Agent, Grant Meitzler. (See memoranda dated 8/29/2007, 9/27/2007, 11/01/2007, 11/15/2007, and 12/14/2007).

This subdivision is denied for the following reasons:

The proposed development includes the filling and crossing of a wetland/watercourse area and numerous development area envelopes within 75 feet of wetlands (on Lot 1 the development area envelope is less than 50 feet from inland wetlands). Furthermore, the proposal relies on future property owners to suitably maintain driveways, yard areas and rain gardens, and use fertilizers and pesticides in such a way as to avoid detrimental impacts on wetlands and Eagleville Brook. As proposed, this subdivision is considered too intense for the subject site and the Agency finds that it would result in significant and unacceptable impacts to the site's wetlands and to Eagleville Brook. Consistent with Section 4.6 of the Wetlands and Watercourses Regulations, this denial helps promote the long term productivity of these wetlands and watercourses and will avoid irreversible and irretrievable commitment of these resources.

The Agency has been unable to find that no feasible and prudent alternatives exist to the proposed plan, because the applicant has failed to adequately rebut alternatives suggested by the Agency, members of the public and certain experts, to the Agency's satisfaction that these proposed alternatives would avoid

the wetland crossing and move development further from wetland areas. The applicant has not sufficiently addressed concerns raised by the public hearing process, leaving questions of detrimental impact on the long term productivity of, and irretrievable impact on, wetlands located on the property, and to the larger Eagleville Brook wetland system bordering the southerly boundary of the site. As provided in Section 4.7 of the Mansfield Wetlands and Watercourses Regulations, these concerns should be addressed by presenting alternative subdivision layouts that avoid the wetland crossing proposed with the current plans, and move development further away from wetlands and watercourses. Accurate assessment of available alternatives is necessary to decide the suitability or unsuitability of a development proposal under the guidelines of Section 4.6-E.1 through 4.6-E.6 of the wetlands regulations.

After extensive discussion among members, the MOTION TO DENY PASSED with Ryan, Zimmer, Beal, Goodwin, Favretti, Holt, Kochenburger in favor of the motion, and Plante and Pociask voting against.

New Business:

None.

Communications:

The Wetland Agent's Monthly Business report was noted.

Reports of Officers and Committees:

None.

Other Communications and Bills:

Noted.

Adjournment:

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary